



Sen. Linda Holmes

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09900SB1859sam001

LRB099 06627 MLM 34240 a

1 AMENDMENT TO SENATE BILL 1859

2 AMENDMENT NO. _____. Amend Senate Bill 1859 as follows:

3 by replacing line 9 on page 24 through line 22 on page 25 with
4 the following:

5 "(225 ILCS 515/12.4 new)

6 Sec. 12.4. Employer violations of Act; civil penalties;
7 hearing procedure.

8 (a) An employment agency shall be required to provide each
9 of its employer clients with proof of a valid license issued by
10 the Department at the time of entering into a contract. An
11 employment agency shall be required to notify, both by
12 telephone and in writing, each employer with whom it contracts
13 within 24 hours of any denial, suspension, or revocation of its
14 license by the Department. All contracts between any employment
15 agency and any employer shall be considered null and void from
16 the date any denial, suspension, or revocation of license

1 becomes effective and until such time as the employment agency
2 becomes licensed and considered in good standing by the
3 Department.

4 (b) The Department shall provide on the Internet a list of
5 entities licensed as employment agencies, as provided for in
6 Section 1 of this Act. An employer may rely on information
7 provided by the Department or maintained on the Department's
8 website pursuant to Section 1 of this Act and shall be held
9 harmless if the information maintained or provided by the
10 Department was inaccurate. It is a violation of this Act for an
11 employer to accept a referral of an individual for employment
12 from an employment agency not licensed under Section 1.5 of
13 this Act.

14 If, upon investigation, the Department finds that a
15 violation of this subsection (b) has occurred, for a first
16 violation by an employer, the Department shall provide notice
17 to any employer that it finds is doing business with an
18 unlicensed employment agency. The notice shall identify the
19 unlicensed entity, indicate that any contract between the
20 unlicensed employment agency and the employer client is null
21 and void, provide information regarding the Department's
22 website that lists licensed employment agencies, and inform the
23 employer of penalties for subsequent violations.

24 For a second violation by an employer, or if the first
25 violation is not remedied within 10 days of notice by the
26 Department, the Director may impose a civil penalty of up to

1 \$500 for each referral of an individual for employment accepted
2 from an employment agency not licensed under Section 1.5.

3 For any violation by an employer after the second
4 violation, the Director may impose a civil penalty of up to
5 \$1,500 for each referral of an individual for employment
6 accepted from an employment agency not licensed under Section
7 1.5. If the first violation is not remedied within 30 days of
8 notice by the Department, the Director may impose an additional
9 civil penalty of up to \$1,500 for every 30 days that passes
10 thereafter.

11 (c) The Director of Labor may adopt rules for the conduct
12 of hearings and collection of these penalties assessed under
13 this Section in accordance with Section 12 of this Act. The
14 amount of these penalties, when finally determined, may be
15 recovered in a civil action brought by the Director of Labor in
16 any circuit court. In any such action, the Director of Labor
17 shall be represented by the Attorney General."; and

18 on page 27, by replacing lines 8 through 12 with the following:

19 "(225 ILCS 515/12.6 new)

20 Sec. 12.6. Child Labor and Day and Temporary Labor Services
21 Enforcement Fund. All moneys received as fees and penalties
22 under this Act shall be deposited into the Child Labor and Day
23 and Temporary Labor Services Enforcement Fund and may be used
24 for the purposes set forth in Section 17.3 of the Child Labor

1 Law.

2 Section 10. The Child Labor Law is amended by changing
3 Section 17.3 as follows:

4 (820 ILCS 205/17.3) (from Ch. 48, par. 31.17-3)

5 Sec. 17.3. Any employer who violates any of the provisions
6 of this Act or any rule or regulation issued under the Act
7 shall be subject to a civil penalty of not to exceed \$5,000 for
8 each such violation. In determining the amount of such penalty,
9 the appropriateness of such penalty to the size of the business
10 of the employer charged and the gravity of the violation shall
11 be considered. The amount of such penalty, when finally
12 determined, may be

13 (1) recovered in a civil action brought by the Director
14 of Labor in any circuit court, in which litigation the
15 Director of Labor shall be represented by the Attorney
16 General;

17 (2) ordered by the court, in an action brought for
18 violation under Section 19, to be paid to the Director of
19 Labor.

20 Any administrative determination by the Department of
21 Labor of the amount of each penalty shall be final unless
22 reviewed as provided in Section 17.1 of this Act.

23 Civil penalties recovered under this Section shall be paid
24 into the Child Labor and Day and Temporary Labor Services

1 Enforcement Fund, a special fund which is hereby created in the
2 State treasury. Moneys in the Fund may be used, subject to
3 appropriation, for exemplary programs, demonstration projects,
4 and other activities or purposes related to the enforcement of
5 this Act or for the activities or purposes related to the
6 enforcement of the Day and Temporary Labor Services Act, or for
7 the activities or purposes related to the enforcement of the
8 Private Employment Agency Act.

9 (Source: P.A. 98-463, eff. 8-16-13.)".